

Tavss Fletcher, 555 Main Street, Fourteenth Floor, Norfolk, Virginia 23510

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

JOHNATHAN KEENAN,

Plaintiff,

v.

TRIAL BY JURY DEMANDED

WILLIAM P. AHERN,

CIVIL ACTION NO. CL 19- 23 24

Defendant.

COMPLAINT

MOTION is hereby made for judgment and award of execution against you in the amount of ONE MILLION DOLLARS (\$1,000,000.00) for compensatory damages, sustained for the bodily injury of JOHNATHAN KEENAN on the grounds set forth below:

PARTIES

1. The Plaintiff is Johnathan Keenan (hereafter "Keenan"), a resident of Virginia Beach, Virginia.

2. The Defendant, William P. Ahern (hereafter "Ahern") is a domiciliary and resident of the City of Virginia Beach, Virginia. At all times pertinent hereto, Ahern was employed and on duty as a police officer with Virginia Beach Police Department and the City of Virginia Beach, Virginia.

COUNT I

3. On the 19th day of April 2017, the Plaintiff, Keenan, was seated in the front passenger seat of an automobile parked in the parking lot located at 3708 Virginia Beach Boulevard, Virginia Beach, Virginia.

4. On the aforesaid date, Ahern was on routine patrol when he observed a vehicle that matched the description of a vehicle that had been reported to the police earlier that evening.

TINA E. SINNEN, CLERK

FILED
CIRCUIT COURT
2019 APR 19 PM 12:42
BY 

EXHIBIT A

Tavss Fletcher, 555 Main Street, Fourteenth Floor, Norfolk, Virginia 23510

5. Ahern pulled into the parking lot and exited his patrol vehicle with his police canine in tow.

6. The vehicle in which Keenan was in had the driver's side door open prior to Ahern getting out of his patrol car.

7. Ahern then commanded the two occupants to exit the vehicle. The driver of the vehicle exited and was taken into custody by another Virginia Beach Police Officer, leaving Keenan motionless and alone in the car.

8. Ahern observed through the open driver's side door Keenan sitting motionless in the car. Ahern then began to give repeated verbal commands and Keenan gave no response.

9. At all relevant times, Keenan was unconscious and unresponsive.

10. At no relevant time did Keenan act aggressively toward Ahern or others, nor did Keenan act in a way to give Ahern reason to believe that Keenan presented a significant threat of death or serious physical injury to Ahern or others, nor did Keenan act in a way to give Ahern reason to believe that Keenan would cause damage to any public or private property, nor Keenan act in a way to give Ahern reason to believe that Keenan would attempt to resist arrest or escape. Ahern and other officers were present at the scene.

11. Ahern released his canine into the open driver's door of the vehicle, where the canine walked across the seat and bit Keenan in the face and arm repeatedly, causing Keenan great bodily harm. Ahern thereafter walked around the vehicle and opened the passenger door.

12. Keenan came to upon being mauled by the canine.

13. Ahern removed Keenan from the vehicle with the canine still attached.

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14. Ahern without just cause did unlawfully exercise excessive and unreasonable force in the detention and arrest of Keenan on or about April 19, 2017 causing significant bodily injury to Keenan.

15. Ahern knew or should have known, that releasing his canine under the circumstances was unnecessary, unlawful, and unconstitutional. It was unreasonable for the Defendant, under the circumstances, to believe releasing the canine was justified.

16. Ahern injured Keenan as part of an unreasonable execution of an arrest or seizure of the Plaintiff's person within the meaning of the United States Constitution and the Fourth Amendment. Ahern acted under color of law and his acts give rise to claims under 42 U.S.C. Section 1983. This excessive and unreasonable use of force severely injuring a young man was the result of errors and recklessness on the part of Ahern. The reckless actions of Ahern constituted an unreasonable and unconstitutional seizure of the person Johnathan Keenan, which directly and proximately caused significant bodily injury.

COUNT II

17. The Plaintiff incorporate herein the allegations contained in Paragraphs 1 through 12 above.

18. The Defendant, without just cause and provocation committed a battery on Keenan in violation of Virginia law, by harmful, unlawful, and offensive contact to Keenan proximately resulting in the bodily injuries of Keenan.

19. That as a direct and proximate result of the aforementioned negligence, and the reckless, malicious, willful, and wanton conduct of the defendant, the undersigned did become sick, sore, lame, and disabled; he suffered great physical pain and mental anguish and will so suffer for a long time in the future; he was required to expend monies in his endeavors

to be healed and cured, and will be so required for a long time in the future; he was prevented from attending to his lawful affairs, and will be so prevented for a long time in the future; all to his total damage in the amount of \$1,000,000.00.

WHEREFORE, the undersigned moves the Circuit Court of the City of Virginia Beach for a judgment and award of execution against the defendant, in the amount of ONE MILLION DOLLARS (\$1,000,000.00), interest from April 19, 2017, and the costs of these proceedings

Johnathan Keenan

By 
Of Counsel

Scott J. Flax
VSB #68150
TAVSS FLETCHER
555 Main Street, Suite 1400
Norfolk, Virginia 23510
Phone: (757) 625-1214
Fax: (757) 622-7295
Email: tavss@tavss.com

Tavss Fletcher, 555 Main Street, Fourteenth Floor, Norfolk, Virginia 23510

COVER SHEET FOR FILING CIVIL ACTIONS
 COMMONWEALTH OF VIRGINIA

 Case No. CL19-2324
 (CLERK'S OFFICE USE ONLY)

Virginia Beach

Circuit Court

Johnathan Keenan

PLAINTIFF(S)

v./In re:

William P. Ahern

DEFENDANT(S)

I, the undersigned ☐ plaintiff ☐ defendant ☒ attorney for ☒ plaintiff ☐ defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL**Subsequent Actions**

- ☐ Claim Impleading Third Party Defendant
☐ Monetary Damages
☐ No Monetary Damages
☐ Counterclaim
☐ Monetary Damages
☐ No Monetary Damages
☐ Cross Claim
☐ Interpleader
☐ Reinstatement (other than divorce or driving privileges)
☐ Removal of Case to Federal Court

Business & Contract

- ☐ Attachment
☐ Confessed Judgment
☐ Contract Action
☐ Contract Specific Performance
☐ Detinue
☐ Garnishment

Property

- ☐ Annexation
☐ Condemnation
☐ Ejectment
☐ Encumber/Sell Real Estate
☐ Enforce Vendor's Lien
☐ Escheatment
☐ Establish Boundaries
☐ Landlord/Tenant
☐ Unlawful Detainer
☐ Mechanics Lien
☐ Partition
☐ Quiet Title
☐ Termination of Mineral Rights

Tort

- ☐ Asbestos Litigation
☐ Compromise Settlement
☒ Intentional Tort
☐ Medical Malpractice
☐ Motor Vehicle Tort
☐ Product Liability
☐ Wrongful Death
☐ Other General Tort Liability

ADMINISTRATIVE LAW

- ☐ Appeal/Judicial Review of Decision of (select one)
☐ ABC Board
☐ Board of Zoning
☐ Compensation Board
☐ DMV License Suspension
☐ Employee Grievance Decision
☐ Employment Commission
☐ Local Government
☐ Marine Resources Commission
☐ School Board
☐ Voter Registration
☐ Other Administrative Appeal

DOMESTIC/FAMILY

- ☐ Adoption
☐ Adoption - Foreign
☐ Adult Protection
☐ Annulment
☐ Annulment - Counterclaim/Responsive Pleading
☐ Child Abuse and Neglect - Unfounded Complaint
☐ Civil Contempt
☐ Divorce (select one)
☐ Complaint - Contested*
☐ Complaint - Uncontested*
☐ Counterclaim/Responsive Pleading
☐ Reinstatement - Custody/Visitation/Support/Equitable Distribution
☐ Separate Maintenance
☐ Separate Maintenance Counterclaim

WRITS

- ☐ Certiorari
☐ Habeas Corpus
☐ Mandamus
☐ Prohibition
☐ Quo Warranto

PROBATE/WILLS AND TRUSTS

- ☐ Accounting
☐ Aid and Guidance
☐ Appointment (select one)
☐ Guardian/Conservator
☐ Standby Guardian/Conservator
☐ Custodian/Successor Custodian (UTMA)
☐ Trust (select one)
☐ Impress/Declare/Create
☐ Reformation
☐ Will (select one)
☐ Construe
☐ Contested

MISCELLANEOUS

- ☐ Amend Death Certificate
☐ Appointment (select one)
☐ Church Trustee
☐ Conservator of Peace
☐ Marriage Celebrant
☐ Approval of Transfer of Structured Settlement
☐ Bond Forfeiture Appeal
☐ Declaratory Judgment
☐ Declare Death
☐ Driving Privileges (select one)
☐ Reinstatement pursuant to § 46.2-42
☐ Restoration - Habitual Offender or Offense
☐ Expungement
☐ Firearms Rights Restoration
☐ Forfeiture of Property or Money
☐ Freedom of Information
☐ Injunction
☐ Interdiction
☐ Interrogatory
☐ Judgment Lien-Bill to Enforce
☐ Law Enforcement/Public Official Petition
☐ Name Change
☐ Referendum Elections
☐ Sever Order
☐ Taxes (select one)
☐ Correct Erroneous State/Local
☐ Delinquent
☐ Vehicle Confiscation
☐ Voting Rights - Restoration
☐ Other (please specify)

☒ Damages in the amount of \$ 1,000,000.00 are claimed.

4-19-2019

DATE

Scott J. Flax

PRINT NAME

555 E. Main Street, Suite 1400
 ADDRESS/TELEPHONE NUMBER OF SIGNATOR
 Norfolk, VA 23510

scott@tavss.com

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

☐ PLAINTIFF☐ DEFENDANT☒ ATTORNEY FOR☐ PLAINTIFF☐ DEFENDANT

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

**Civil Action Type Codes
(Clerk's Office Use Only)**

Accounting	ACCT	Ejectment	EJET
Adoption	ADOP	Encumber/Sell Real Estate	RE
Adoption – Foreign	FORA	Enforce Vendor's Lien	VEND
Adult Protection	PROT	Escheatment	ESC
Aid and Guidance	AID	Establish Boundaries	ESTB
Amend Death Certificate	ADC	Expungement	XPUN
Annexation	ANEX	Forfeiture of Property or Money	FORF
Annulment	ANUL	Freedom of Information	FOI
Annulment – Counterclaim/Responsive Pleading ..	ACRP	Garnishment	GARN
Appeal/Judicial Review		Injunction	INJ
ABC Board	ABC	Intentional Tort	ITOR
Board of Zoning	ZONE	Interdiction	INTD
Compensation Board	ACOM	Interpleader	INTP
DMV License Suspension	JR	Interrogatory	INTR
Employment Commission	EMP	Judgment Lien – Bill to Enforce	LIEN
Employment Grievance Decision	GRV	Landlord/Tenant	LT
Local Government	GOVT	Law Enforcement/Public Official Petition	LEP
Marine Resources	MAR	Mechanics Lien	MECH
School Board	JR	Medical Malpractice	MED
Voter Registration	AVOT	Motor Vehicle Tort	MV
Other Administrative Appeal	AAPL	Name Change	NC
Appointment		Other General Tort Liability	GTOR
Conservator of Peace	COP	Partition	PART
Church Trustee	AOCT	Permit, Unconstitutional Grant/Denial by Locality	LUC
Custodian/Successor Custodian (UTMA)	UTMA	Petition – (Miscellaneous)	PET
Guardian/Conservator	APPT	Product Liability	PROD
Marriage Celebrant	ROMC	Quiet Title	QT
Standby Guardian/Conservator	STND	Referendum Elections	ELEC
Approval of Transfer of Structured Settlement	SS	Reinstatement (Other than divorce or driving	
Asbestos Litigation	AL	privileges)	REIN
Attachment	ATT	Removal of Case to Federal Court	REM
Bond Forfeiture Appeal	BFA	Restore Firearms Rights – Felony	RFRF
Child Abuse and Neglect – Unfounded Complaint ..	CAN	Restore Firearms Rights – Review	RFRR
Civil Contempt	CCON	Separate Maintenance	SEP
Claim Impleading Third Party Defendant –		Separate Maintenance – Counterclaim/Responsive	
Monetary Damages/No Monetary Damages	CTP	Pleading	SCRP
Complaint – (Miscellaneous)	COM	Sever Order	SEVR
Compromise Settlement	COMP	Sex Change	COS
Condemnation	COND	Taxes	
Confessed Judgment	CJ	Correct Erroneous State/Local	CTAX
Contract Action	CNTR	Delinquent	DTAX
Contract Specific Performance	PERF	Termination of Mineral Rights	MIN
Counterclaim – Monetary Damages/No Monetary		Trust – Impress/Declare/Create	TRST
Damages	CC	Trust – Reformation	REFT
Cross Claim	CROS	Uniform Foreign Country Money Judgments	RFCJ
Declaratory Judgment	DECL	Unlawful Detainer	UD
Declare Death	DDTH	Vehicle Confiscation	VEH
Detinue	DET	Voting Rights – Restoration	VOTE
Divorce		Will Construction	CNST
Complaint – Contested/Uncontested	DIV	Will Contested	WILL
Counterclaim/Responsive Pleading	DCRP	Writs	
Reinstatement – Custody/Visitation/Support/		Certiorari	WC
Equitable Distribution	CVS	Habeas Corpus	WHC
Driving Privileges		Mandamus	WM
Reinstatement pursuant to § 46.2-427	DRIV	Prohibition	WP
Restoration – Habitual Offender or		Quo Warranto	WQW
3 rd Offense	REST	Wrongful Death	WD

TAVSS FLETCHER

Attorneys

Richard J. Tavss

*John R. Fletcher**

Besianne Tavss Maiden

Robert M. Reed

Alex T. Mayo, Jr.

*Robert E. Moreland**

Scott J. Flax

Ryan B. Graves

**also admitted in North Carolina*

April 19, 2019

Via Hand Delivery

Tina E. Sinnen, Clerk
Virginia Beach Circuit Court
Civil Division
2425 Nimmo Parkway
Virginia Beach, VA 23456

CL 19- 2324

Re: Johnathan A. Keenan v. William P. Ahern

Dear Ms. Sinnen:

I am enclosing a Complaint and one copy, which I will thank you to file. No service is required at this time, but if the same becomes necessary I will provide the appropriate copies to you for service. Please return the filing receipt to me in the self-addressed, stamped envelope I have included for your convenience.

Enclosed also is our check in the amount of \$ 346.00 in payment of the filing fees.

Thanking you for your time and attention, I am

Sincerely yours,
TAVSS FLETCHER

By:

Scott J. Flax
Scott J. Flax

FILED
VA BEACH CIRCUIT COURT
2019 APR 19 PM 12:35
TINA E. SINNEN, CLERK

[Handwritten signature]

SJF:vmk
Enclosures
OUR FILE NO: 23918-70382

Personal Injury

Products Liability

Corporate & Tax

Banking

Family

Real Estate

Medical Malpractice

Criminal Defense

Estates

Traffic

TAVSS FLETCHER

Attorneys

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Alex T. Mayo, Jr.

Robert E. Moreland*

Scott J. Flax

Ryan B. Graves

*also admitted in North Carolina

February 3, 2020

VIA HAND DELIVERY

Tina E. Sinnen, Clerk
Virginia Beach Circuit Court
Civil Division
2425 Nimmo Parkway
Virginia Beach, VA 23456

555 E. Main Street
Fourteenth Floor
Norfolk, Virginia 23510

Re: Johnathan A. Keenan v. William P. Ahern
Civil Case No. CL19002324-00

Dear Ms. Sinnen:

reply to:
Post Office Box 3747
Norfolk, Virginia 23514

I am enclosing two copies of the Complaint previously filed in this matter on 4/19/2019.

I will thank you to prepare the same for service at this time as follows:

757-625-1214
General Fax
757-622-7295
Personal Injury Fax
757-622-3546
Real Estate Fax
757-622-6557

William P. Ahern
2229 Wind Branch Circle
Virginia Beach, VA 23456

Also enclosed is our check in the amount of \$ 12.00 in payment of the service fees.

www.tavss.com
e-mail tavss@tavss.com

Thank you for your time and attention to this matter. ~~Please also note, that service must be effected before April 17, 2020.~~

If you have any questions, please do not hesitate to contact me.

Sincerely yours,
TAVSS FLETCHER

Service
issued

By: 
Scott J. Flax

2-6-20
-CON

Personal Injury
Products Liability
Corporate & Tax
Banking
Family
Real Estate
Medical Malpractice
Criminal Defense
Estates
Traffic

FILED
VA. BEACH CIRCUIT COURT

2020 FEB -6 AM 9:06

TINA E. SINNEN, CLERK

EX-101  B.C.



TAVSS FLETCHER

SJF:vmk

Enclosures

cc: Mark D. Stiles, Esquire, City Attorney for the City of Virginia Beach
City of Virginia Beach, City Hall Building, 2401 Courthouse Drive
Virginia Beach, VA 23456-8005

Ms. Joyce McElmurry
Department of Finance Risk Management Division
City of Virginia Beach, Municipal Center, Building 22,
2400 Courthouse Drive, Virginia Beach, VA 23456-9081
Claim No. NC6707

OUR FILE NO: 23918-70382



**OFFICIAL RECEIPT
VIRGINIA BEACH CIRCUIT COURT
CIVIL**

DATE : 04/23/2019
RECEIPT # : 19000009137
TRANSACTION # : 19042300025

CASE # : 810CL1900232400

CASHIER : SFB
REGISTER # : B873
CASE COMMENTS : KEENAN, JOHNATHAN v. AHERN, WILLIAM P

FILING TYPE : ITOR

PAYMENT : FULL PAYMENT

SUIT AMOUNT : \$1,000,000.00

ACCOUNT OF : KEENAN, JOHNATHAN

PAID BY : TAVSS FLETCHER

CHECK : \$346.00 CHECK NUMBER : 57088

DESCRIPTION 1 : ITOR:INTENTIONAL TORT

2 : PLAINTIFF: KEENAN, JOHNATHAN

3 : NO HEARING SCHEDULED

ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$25.00
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00
123	LEGAL AID SERVICES	\$9.00
147	INDIGENT ASSISTANCE (INA)	\$1.00
170	COURT TECHNOLOGY FUND	\$10.00

ACCOUNT CODE	DESCRIPTION	PAID
219	LAW LIBRARY	\$4.00
229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$2.00
304	CIVIL FILING FEE (LAW & EQUITY)	\$290.00

TENDERED : \$ 346.00

AMOUNT PAID : \$ 346.00

CLERK OF COURT : TINA E. SINNEN



OFFICIAL RECEIPT
VIRGINIA BEACH CIRCUIT COURT
CIVIL

DATE : 02/06/2020 TIME : 09:05:18
 RECEIPT # : 20000002950 TRANSACTION # : 20020600004
 CASHIER : JXE REGISTER # : B872
 CASE COMMENTS : KEENAN, JOHNATHAN v. AHERN, WILLIAM P
 SUIT AMOUNT : \$0.00
 ACCOUNT OF : KEENAN, JOHNATHAN
 PAID BY : FLETCHER, TAVSS
 CHECK : \$12.00 CHECK NUMBER : 7524
 DESCRIPTION 1 : PLAINTIFF: KEENAN, JOHNATHAN
 2 : NO HEARING SCHEDULED

CASE # : 810CL1900232400

FILING TYPE : ITOR

PAYMENT : FULL PAYMENT

ACCOUNT CODE	DESCRIPTION	PAID
206	SHERIFF FEES	\$12.00

TENDERED : \$ 12.00
 AMOUNT PAID : \$ 12.00

CLERK OF COURT : TINA E. SINNEN

COMMONWEALTH OF VIRGINIA



VIRGINIA BEACH CIRCUIT COURT
Civil Division
2425 NIMMO PARKWAY BLDG 10
VIRGINIA BEACH VA 23456
(757) 385-4186

Virginia:
In the VIRGINIA BEACH CIRCUIT COURT

Proof of Service

Case number: 810CL19002324-00
Service number: 001
Service filed: April 19, 2019
Judge:

Served by: VIRGINIA BEACH CITY
Style of case: JOHNATHAN KEENAN vs WILLIAM P AHERN

Service on: WILLIAM P AHERN
2229 WIND BRANCH CIRCLE
VIRGINIA BEACH VA 23456

Attorney: FLAX, SCOTT J
757-625-1214

Instructions:

Returns shall be made hereon, showing service of Summons issued Thursday, February 06, 2020 with a copy of the Complaint filed Friday, April 19, 2019 attached.

Hearing date :

Service issued: Thursday, February 06, 2020

For Sheriff Use Only

2020 FEB -7 A 8:09
CL20038033

011230
VA BEACH SHERIFF
HIGH CONSTABLE
RECEIVED

Return of Service

JOHNATHAN KEENAN vs WILLIAM P AHERN

Case #: CL1900232400

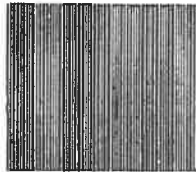
Paper Type: COMPLAINT WITH SUMMONS ATTACHED

Court Date:

RC20038033



View Online



RC20038033

Name: AHERN, WILLIAM P

Address: 2229 WIND BRANCH CIR
Virginia Beach, VA

Date Served: 2/10/2020 8:22:00 AM

Type of Service: Posted - Document posted on front door
of usual place of abode.

Note:

Serving Officer: Deputy M. Caffee

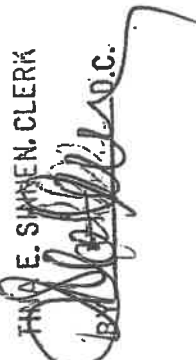
For: Ken Stolle, Sheriff


Deputy M. Caffee

FILED
VA. BEACH CIRCUIT COURT

2020 FEB 11 AM 9:45

JENN E. SIMMONS, CLERK


JENN E. SIMMONS, CLERK